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## Board of Building Regulations and Standards (BBRS)

August 13, 2019 Meeting

50 Maple Street, Milford

Chairman Couture, opened the regular meeting at approximately 10:00 a.m.

Chairman Couture took roll call as follows:

John Couture, Chair	✓ present <input type="checkbox"/> absent	Peter Ostroskey*	✓ present <input type="checkbox"/> absent
Kerry Dietz, Vice Chair	✓ present <input type="checkbox"/> absent	Michael McDowell	✓ present <input type="checkbox"/> absent
Richard Crowley, Second V. Chair	<input type="checkbox"/> present <input type="checkbox"/> absent	Susan Gleason	✓ present <input type="checkbox"/> absent
Kevin Gallagher	✓ present ✓ absent	Lisa Davey	✓ present <input type="checkbox"/> absent
Cheryl Lavalley	✓ present <input type="checkbox"/> absent	Steve Frederickson	✓ present <input type="checkbox"/> absent
Ronald Cogliano	✓ present <input type="checkbox"/> absent		

\* Jen Hoyt participated as the designee for State Fire Marshal, Peter Ostroskey.

### General notes on format of these minutes

- These minutes represent general points of discussion by members and audience participants during the regular meeting session. The minutes are not intended to be a verbatim account of discussions.
- Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.
- Agenda topics as numbered may be in the same order as they appear on the meeting agenda.
- The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.

1. **BBRS Minutes.** On a **MOTION** by Richard Crowley seconded by Mike McDowell it was a unanimous vote to approve as submitted the June 11, 2019 meeting minutes for the Board of Building and Regulations and Standards (**EXHIBIT B**).
2. **BOCC Minutes.** On a **MOTION** by Richard Crowley and seconded by Mike McDowell it was a unanimous vote to approve the June 4, 2019, Building Official Certification Committee (BOCC) meeting minutes (**EXHIBIT C**).
3. **Discuss swimming pool license.** Charlie Stefanini, Counsel, for the Pool and Hot Tub Alliance (PHTA) talked about having conversations with Rob Anderson about the BBRS taking up swimming pool licensing requirements since adopting the 2015 International Swimming Pool and Spa Code (ISPSA).

Rob Anderson suggested this effort should include considering licensing models used by other states. He has also suggested PHTA consider offering a scaled-down licensing program which more aligns with the Massachusetts construction supervisor licensing requirements. Mr. Stefanini introduced Silvia Uribe from PHTA and Chris Callanan from North Shore Pool and Spa. Silvia Uribe walked through the PHTA PowerPoint and noted 31 states currently use the ISPSC, pointing out the PowerPoint says 30, which is a typo (**EXHIBIT D**). Chris Callanan spoke about his company services include maintaining swimming pools. He receives complaints from pool owners how to maintain their swimming pool, and this suggests to him that pool installers do not provide pool maintenance information to the owner. The PHTA program includes pool maintenance requirements which licensees need to provide to their pool owners. Michael McDowell asked if the PHTA program includes pre-engineered pool requirements and Silvia Uribe said it does. Richard Crowley asked if the licensing program would cause hot tubs to need a building permit and Chris Callanan said Massachusetts considers them an appliance. Steve Frederickson asked if the licensed pool contractor would be responsible for the swimming pool barrier. Chris Callanan said the building official would be responsible to ensure someone installed a proper barrier. Jen Hoyte thinks the board will need to decide pool contractor responsibilities. Chairman Couture asked about in-ground verses above-ground pools and noted the complexities for each are different and asked whether a the PHTA licensing program requires a license for both swimming pool construction types. Silvia Uribe explained the PHTA curriculum includes both pool construction types. Chairman Couture asked how much pool construction experience an exam candidate would need to have before they would qualify to take the exam. Silvia Uribe said one course level requires 5 years' experience and the other requires 3 years' experience. Kerry Dietz thinks the board needs to establish an objective. If it is to created swimming pool license, who would oversee the licensing program. Dan Walsh spoke about section 110.R5 in the state building code includes licensing provisions which could be expanded to include swimming pool licenses. Kerry Dietz noted that the PHTA licensing program overlap other trade jurisdictions such as wiring. Michael McDowell thinks the board could add swimming pool licensing to the state building code which include pool maintenance. Chairman Couture, the next step would be to identify regulation options and decide how many year's experiences needed before someone could seek a swimming pool license. Michael McDowell spoke to swimming pool contractors in his area who have said they have obtained a Construction Supervisor License to make local permitting easier. Richard Crowley thinks expanding the specialty licensing provisions to include swimming pool license would be a good option. Charles Kilb spoke about the board developing a swimming pool licensing regulation should consist of considering how many people do this type of work. Also, if the board decides not to adopt a national licensing rule, it should understand whether a unique to Massachusetts proposal exceeds national regulatory requirements. Chairman Couture suggested staff begin to develop a swimming pool licensing regulation for the Board to understand how it might look. Michael McDowell is concerned the board does not end up with requirements obtained from a "sole source" entity. Kerry Dietz pointed out the BBRS adopted the ISPSC, and it could choose to utilize the PHTA program. Paul Moriarty suggested that putting swimming pool requirements under the Control Construction provision is a way to prevent a homeowner circumventing licensing requirement. William Horrocks suggested the board start looking at eliminating the specialty licenses in the code because too many contractors are becoming specialists, which leaves projects with loose ends. Chairman Couture thanked the PHTA folks for their presentation.

4. **Discuss draft Building Code Appeal minutes** (BCAB). Patty Barry spoke about sending draft decisions from calendar years 2017, 2018 and 2019 to each board member, and the intent today is for the Board to ratify them, so each will be recorded as a final decision. Charles Kilb explained each BCAB panel approved each decision individually but going forward, the full board will be asked to approve BCAB meeting minutes. He also noted, as a practical matter, this approach will help the entire board understand what is happening on the BCAB. On a **MOTION** by Michael McDowell and seconded by Kerry Dietz it was unanimous vote to approve the BCAB decisions from 2017, 2018 and 2019. Kerry Dietz expressed interest in having these decisions available on the OPSI website. Jen Hoyt asked if staff could look at how information on the trial court law library could be accessible on the OPSI website. Charles Kilb said he would investigate and report back.
5. **Discuss\Vote BBRs Advisory Committees Make Up Considerations.** BBRs Advisory Committees make up. Charles Kilb pointed out that the code change removing the advisory committees' compositions from the building code is currently awaiting administration approval, however, nothing prevents the Board from moving forward today. Chairman Couture spoke about the benefits of looking at each advisory committee makeup to see if each gets the results the board is looking for. He thinks creating a committee to look at each advisory committee makeup would be a right approach. The Advisory Subcommittee Review Group would include; Mike Guigli, Bob Carasitti, the BBRs Chair, Michael McDowell, Dan Walsh, and Ronald Cogliano. On a **MOTION** by Richard Crowley and seconded by Kerry Dietz it was a unanimous vote to formulate an Advisory Subcommittee Review Group as described by the Chairman. Jen Hoyt noted the group number is 6, which may pose a problem when voting. Chairman Couture said his objective is to have recommendations ready in October.
6. **Discuss OPSI Staff met with DFS Staff about 527 CMR update.** OPSI Staff met with DFS Staff about updating 527 CMR. At this meeting DFS Staff reported the BFPR is moving forward with an update to 527 CMR. Charles Kilb explained that the update is expected to be on the next Building Code Coordinating Council meeting. Also, that DFS Staff walked through a document entitled Proposed Amendments to NFPA 1, 2015, which the Massachusetts Comprehensive Fire Safety Code is based. At this meeting, DFS Staff explained that the proposed fire code, in part regulates the maintenance of buildings and structures and not intended to regulate the construction of a building or structure. Although in some situations, both the fire chief and the building official have dual responsibilities, DFS Staff reported the current proposal is sensitive to these situations. Dan Walsh explained OPSI Staff is reviewing the amendment package introduced at this meeting and will follow up with DFS Staff about any possible conflicts which become known.
7. **Discuss BCCC meeting held on July 25, 2019.** BCCC meeting was held on July 25, 2019, and Charles Kilb explained the meeting included several building code amendments. He also informed the group that the Department of Public Health gave some indication their regulations may conflict with some of the Tiny House dimensional requirements. Staff from both agencies spoke and discussed the possibility that confusion around some of the terminologies in the Tiny House provisions might be contributing to some of DPH's concerns. OPSI Staff agreed to work with them, and the 780 CMR proposals were approved and moved to the administration process.
8. **Discuss** new 178 Construction Supervisor Licenses (CSLs) issued in the month of May 2019. Board members acknowledged approval of the new CSLs issued.

9. **Discuss\Vote** CSL Average Passing Score\Medical\Military\Age or Continuing Education Requirements. Husam Bahnarm average passing score was tabled for additional information. On a **MOTION** by Kerry Dietz, seconded by Michael McDowell it was unanimously voted to approve reinstatement of construction supervisor license number CS-104816, Melissa Cabeceiras, and CS-083951, Paul DiCarlo, due to a medical issue.
10. Chairman Couture moved to agenda item #11 and noting he will come back to agenda item #10. immediately after the meeting closed.
11. Other matters not reasonably anticipated 48 hours in advance of meeting. N/A.
12. **Adjourn.** On a **MOTION** by Kerry Dietz, seconded by Mike McDowell it was unanimously voted to adjourn the regular meeting.

**EXHIBITS:**

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- A. Meeting Agenda.
- B. Minutes for the June 13, 2019 Board of Building and Regulations and Standards (BBRS) meeting.
- C. Minutes for the June 4, 2019 Building Official Certification Committee (BOCC) meeting.
- D. Pool and Hot Tub Alliance (PHTA) PowePoint.